

CIVIL RIGHTS COMMISSION[161]

Adopted and Filed

Pursuant to the authority of Iowa Code section 216.5, the Iowa Civil Rights Commission hereby amends Chapter 3, "Complaint Process," Iowa Administrative Code.

Rule 161—3.11(216) addresses mediation before the Commission. This amendment clarifies mediation procedures and may result in additional and expedited settlements.

Notice of Intended Action for this amendment was published in the March 10, 2010, Iowa Administrative Bulletin as **ARC 8569B**. A public hearing was held on April 6, 2010. No one attended the hearing, and no written or oral comments were received. This amendment is identical to that published under Notice of Intended Action.

This amendment was adopted by the Iowa Civil Rights Commission on April 15, 2010.

This amendment is intended to implement Iowa Code section 216.5.

This amendment will become effective on June 9, 2010.

The following amendment is adopted.

Amend rule 161—3.11(216) as follows:

161—3.11(216) Mediation. ~~The executive director or designee may conduct an impartial mediation of the complaint by offering the complainant and the respondent an opportunity to negotiate a no-fault predetermination settlement for the purpose of amicably resolving the complaint prior to full investigation.~~

3.11(1) Mediation shall be available once a complaint has been filed, when a party to the complaint requests mediation, when the case has been preliminarily screened in for investigation pursuant to the procedures set forth in rule 161—3.12(216), or at any time while the complaint is still open and the parties agree to participate. Mediation is a neutral, non-fact-finding process, at which parties attempt to negotiate a no-fault predetermination settlement for the purpose of amicably resolving the complaint. Mediation shall be available to all parties irrespective of representation by counsel. Mediation may encompass all issues in the case which could have been investigated by the commission including any claims for unlawful retaliation that may exist through the date of the mediation notice. If the parties agree to seek and obtain a global settlement not limited to a resolution of the civil rights issues, the mediation may be expanded to include these collateral claims.

3.11(2) Mediation notification shall be sent via regular or electronic mail to all parties and their respective counsels, if applicable. Notification may include detailed information on the mediation process.

[Filed 4/16/10, effective 6/9/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/10.